

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.4284 OF 2005

The State of Maharashtra,	..	Applicant
Vs		
Ananta Ganpat Butala & Ors	..	Respondents

Mr S.V.More, APP for the applicant.
Mr K.S.Patil, for respondent nos 1 and 2.

CORAM : D.B.BHOSALE, J.

DATED : 26th JUNE, 2006

P.C.:

1. Heard the learned A.P.P for the applicant and the learned counsel for the respondents.

2. The respondents were tried for the offence punishable under section 3(1)(x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act) and have been acquitted by the impugned judgment dated 25.2.2005. It appears that the alleged incident occurred on account of parking of the vehicle, when the complainant was allegedly abused by the accused on caste. The incident was witnessed by PW 3-Sarika and PW 5-Chavan. The trial Court, on appreciation of their evidence, has recorded a categorical finding that looking to the discrepancies, contradictions and omissions in the evidence of these witnesses, the offence cannot be said to have been proved beyond reasonable doubt. Considering the reasons recorded by the trial Court, on appreciation of evidence on

record, the impugned judgment cannot be said to be perverse and unreasonable. The view taken by the trial Court on the basis of the material on record is reasonably possible view. Merely because the other view is possible on the basis of same set of facts that, by itself, cannot be a ground to interfere with the order of acquittal. In the circumstances, the application is dismissed.

(D.B.BHOSALE, J.)